

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Applicants: Getsin et al.</p> <p>Application No.: 09/489,597</p> <p>Filed: January 20, 2000</p> <p>Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A CONFIGURATION MANAGER COMPONENT IN A MULTIMEDIA SYNCHRONIZATION FRAMEWORK</p> <p>Group Art Unit: 2176</p> <p>Examiner: BASHORE, William L.</p> <p>Customer No.: 22242</p> <p>Conf. No.: 6029</p>	<p><u>Certificate of Transmission/Mailing</u></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO, transmitted via the Office electronic filing system, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:</p> <p>Date: 8-20-07 <i>St M. Freeland</i></p> <p>Steven M. Freeland Attorney for Applicants Reg. No. 42,555</p>
---	---

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: APPEAL BRIEF - PATENTS
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In responsive to the Notice of Non-Compliant Appeal Brief mailed July 20, 2007, as entered in the above-captioned matter, the Applicants' Appeal Brief filed March 19, 2007 was identified as defective for failure to provide an appropriate summary of claimed subject matter.

In order to advance the prosecution of the subject application Applicants submit herewith a Substitute Appeal Brief that provides a mapping of the claimed subject matter.

The objection in the Notice of Non-Compliance to the previous Appeal Brief with respect to the observation that the submitted brief does not contain a concise explanation of the subject matter defined in each of the independent claims explained as follows:

c(5) The summary of claimed subject matter section does not mar, the independent claims on appeal to the specification by page, and line number and to the drawings if any. Appellant purports to mar, the independent claims with the specification via referencing footnotes with claim limitations written in prose form (see Appeal Brief pages 4-6. and Appellant's Response filed 6/8/2007). However, this presentation is unclear, confusing and burdensome, requiring extra searching and undo analysis by the reader. Mapping the instant claims by reciting each limitation with specification references after each limitation provides a clear presentation to the reader. Accordingly, Appellant's Appeal Brief is non-compliant.

The Applicants respectfully submit that they have carefully reviewed the summary section of the Appeal Brief being filed herewith as well as the Appeal Brief filed March 19, 2007 and, with all due respect, find the presented text of the briefs to be fully compliant with the requirements of 37 C.F.R. §41.37.

Particular reference was made in the Notice of Non-Compliance with respect to the requirements of 37 C.F.R. §41.37(c)(1)(v). That section first requires:

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.

This is exactly what the summary section in the accompanying Appeal Brief provides. The subject matter of the independent claims is presented, in prose format, including references to the Figures and specification by page and line number (via corresponding footnotes) as well as reference characters. As to the latter requirement of 37 C.F.R. §41.37(c)(1)(v), the summary section even includes presentations of the figures that are referred to in this way.

This portion of the Code of Federal Regulations then provides as follows:

For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. §112, 6th paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The Applicants do not believe there are any independent or dependent claims being presented for argument that specifically include “means plus function” or “step plus function” language.

Therefore, this section of 37 C.F.R. §41.37(c)(1)(v) is not applicable.

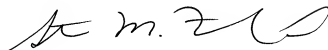
There are no other specific requirements set forth in the Code of Federal Regulations. There is, in particular, no requirement that a “map” of any kind be provided; any demand for such a presentation is beyond the requirements of the rules and regulations. The Applicants therefore respectfully submit that the summary of claimed subject matter section of the previously filed Appeal Brief is fully compliant with the requirements of the Code of Federal Regulations and is in suitable condition to support consideration by the Board.

However, to advance the Appeal Applicants have provided the accompanying substitute Appeal Brief that includes a mapping of the independent claim elements. There are no specific means plus function (or step plus function) recitations in any of the claims involved in this appeal, and thus, there is no identification of any corresponding structure, material, or acts in the specification in this regard. It will be understood that the summarization of the claimed subject matter is, in fact, a “summary” and that the Applicants do not represent or intend that this brief presentation, or the accompanying references to the drawings and the specification, comprises an exhaustive presentation in this regard. A further table is provided that is a summary of the description of the claimed subject mapping and examples of supporting description within the specification. Again, this representative table is, in fact, a “summary” and that the Appellants do not represent or intend that this brief presentation, or the accompanying references to the drawings and the specification, comprises an exhaustive presentation in this regard. As always,

the claims are to be viewed and interpreted in view of the context of the entire specification and the Abstract.

Dated: 8-20-07

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. M. Freeland", written in a cursive style.

Steven M. Freeland
Reg. No. 42,555

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603
(858) 552-1311